

SENATE BILL 480

J2, 02

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CF 0lr1884

By: **Senator Kelley**

Introduced and read first time: January 29, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Examiners of Nursing Home Administrators – Renaming and**
3 **Licensure of Assisted Living Managers**

4 FOR the purpose of renaming the State Board of Examiners of Nursing Home
5 Administrators to be the State Board of Long-Term Care Administrators;
6 establishing a license for assisted living managers; altering the membership of the
7 Board; altering the qualifications for certain Board members; expanding the
8 jurisdiction of a certain rehabilitation committee to include assisted living managers;
9 providing that the Board is a medical review committee under a certain provision of
10 law; authorizing the Board to issue default orders under certain circumstances;
11 requiring individuals, beginning on a certain date, to be licensed by the Board as
12 assisted living managers before practicing as an assisted living manager in the State
13 except under certain circumstances; establishing certain requirements and a certain
14 approval process regarding the appointment of an interim assisted living manager
15 under certain circumstances; establishing certain education, training, examination,
16 and other requirements to qualify for an assisted living manager license;
17 establishing certain application fees and requirements for obtaining an assisted
18 living manager license; establishing certain license terms and procedures for the
19 renewal of an assisted living manager license; requiring the Board to keep a certain
20 file on each application for an assisted living manager license and issue an assisted
21 living manager license to certain applicants; providing that an assisted living
22 manager license authorizes the licensee to practice as an assisted living manager
23 while the license is in effect; prohibiting the Board from issuing a license if certain
24 information has not been received; authorizing the Board to place certain licensees
25 on inactive status and reactivate certain licenses under certain circumstances;
26 authorizing the Board to take certain actions against certain applicants and
27 licensees subject to certain hearing provisions; requiring the Board to reinstate the
28 license of certain assisted living managers under certain circumstances; prohibiting
29 the Board from reinstating the license of certain assisted living managers; requiring
30 the Board to place certain licensees on inactive status under certain circumstances;
31 prohibiting a licensee on inactive status from practicing as an assisted living

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



manager in the State; requiring the Board to provide certain notices and reactivate a license under certain circumstances; establishing certain criminal, civil, and administrative penalties; prohibiting a licensee from surrendering a license and a license from lapsing by operation of law during a certain period except under certain circumstances; establishing certain hearing and appeal procedures for certain persons; authorizing the Board to issue a cease and desist order under certain circumstances; authorizing a certain action to be maintained under certain circumstances; prohibiting certain individuals from working for, being employed by, or performing services for an assisted living program under certain circumstances; prohibiting an individual from representing to the public that the individual is authorized to practice as an assisted living manager in a certain manner except under certain circumstances; prohibiting a person from practicing, attempting to practice, or offering to practice as an assisted living manager in the State unless licensed by the Board except under certain circumstances; altering certain penalties; defining certain terms; altering a certain defined term and certain definitions; making stylistic and conforming changes; specifying the terms of the initial assisted living manager members of the Board; and generally relating to the licensing of assisted living managers and the State Board of Long-Term Care Administrators.

BY renumbering

Article – Health Occupations

Section 9–317

to be Section 9–208

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 9–101, 9–201, and 9–202; 9–315 to be under the amended subtitle “Subtitle

3. Nursing Home Administrators”; and 9–401, 9–402, 9–403, and 9–501 to be

under the amended title “Title 9. Nursing Home Administrators and Assisted

Living Managers”

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 9–208

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

(As enacted by Section 1 of this Act)

BY repealing

Article – Health Occupations

Section 9–407

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

1 BY adding to
2 Article – Health Occupations
3 Section 9–209; 9–3A–01 through 9–3A–18 to be under the new subtitle “Subtitle 3A.
4 Assisted Living Managers”; and 9–407
5 Annotated Code of Maryland
6 (2014 Replacement Volume and 2019 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
8 That Section(s) 9–317 of Article – Health Occupations of the Annotated Code of Maryland
9 be renumbered to be Section(s) 9–208.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
11 as follows:

12 **Article – Health Occupations**

13 **Title 9. Nursing Home Administrators AND ASSISTED LIVING MANAGERS.**

14 9–101.

15 (a) In this title the following words have the meanings indicated.

16 (B) “ASSISTED LIVING MANAGER” MEANS AN INDIVIDUAL WHO OVERSEES
17 AND IS RESPONSIBLE FOR THE DAY–TO–DAY OPERATION OF AN ASSISTED LIVING
18 PROGRAM.

19 (C) “ASSISTED LIVING PROGRAM” HAS THE MEANING STATED IN § 19–1801
20 OF THE HEALTH – GENERAL ARTICLE.

21 [(b)] (D) “Board” means the State Board of [Examiners of Nursing Home]
22 LONG–TERM CARE Administrators.

23 (E) “FAMILY MEMBER” MEANS:

24 (1) A SPOUSE;

25 (2) A CHILD;

26 (3) A SIBLING;

27 (4) A PARENT;

28 (5) A GRANDPARENT;

1 **(6) A NIECE OR NEPHEW; OR**

2 **(7) AN UNCLE OR AUNT.**

3 **[(c)] (F)** “License” means, unless the context requires otherwise[, a]:

4 **(1) A** license issued by the Board to practice as a nursing home
5 administrator **UNDER SUBTITLE 3 OF THIS TITLE; OR**

6 **(2) A LICENSE ISSUED BY THE BOARD TO PRACTICE AS AN ASSISTED**
7 **LIVING MANAGER UNDER SUBTITLE 3A OF THIS TITLE.**

8 **(G) “LICENSED ASSISTED LIVING MANAGER” MEANS, UNLESS THE CONTEXT**
9 **REQUIRES OTHERWISE, AN INDIVIDUAL WHO IS LICENSED BY THE BOARD TO**
10 **PRACTICE AS AN ASSISTED LIVING MANAGER.**

11 **[(d)] (H)** “Licensed nursing home administrator” means, unless the context
12 requires otherwise, an individual who is licensed by the Board to practice as a nursing home
13 administrator.

14 **[(e)] (I)** “Nursing home” means an institution or part of an institution that:

15 (1) Is a “skilled nursing facility” or an “intermediate care facility” as those
16 terms are defined by federal law and participates in a program under Title XVIII or Title
17 XIX of the Social Security Act; or

18 (2) If it is licensed only by this State, otherwise meets the federal
19 requirements for a “skilled nursing facility” or an “intermediate care facility” as those terms
20 are defined by federal law.

21 **[(f)] (J)** “Nursing home administrator” means an individual who administers,
22 manages, or is in general administrative charge of a nursing home whether or not the
23 individual:

24 (1) Has an ownership interest in the nursing home; or

25 (2) Shares duties and functions with other individuals.

26 9–201.

27 There is a State Board of **[Examiners of Nursing Home] LONG-TERM CARE**
28 Administrators in the Department.

29 9–202.

(a) (1) The Board consists of ~~[14]~~ 18 members.

(2) Of the ~~[14]~~ Board members:

(i) Six ~~[members]~~ shall be licensed nursing home administrators who are practicing actively and have at least 5 ~~[years]~~ YEARS' experience as licensed nursing home administrators, one of whom has experience with the Eden Alternative Green House or a similar program, if practicable;

(ii) Two shall be individuals who are not nursing home administrators OR ASSISTED LIVING MANAGERS but who are engaged actively in professions that are concerned with the care of chronically ill, infirm, or aged individuals;

(III) 1. BEFORE OCTOBER 1, 2022, FOUR SHALL BE ASSISTED LIVING MANAGERS WHO HAVE:

A. COMPLETED THE MANAGER TRAINING COURSE REQUIRED UNDER § 19-1807 OF THE HEALTH – GENERAL ARTICLE; AND

B. ACTIVELY PRACTICE FOR AN ASSISTED LIVING PROGRAM; AND

2. ON OR AFTER OCTOBER 1, 2022, FOUR SHALL BE LICENSED ASSISTANT LIVING MANAGERS;

[(iii)] (IV) One shall be a physician or a nurse practitioner who specializes in geriatrics;

[(iv)] (V) One shall be a geriatric social worker;

[(v)] (VI) One shall be the State Long-Term Care Ombudsman designated under § 10-903 of the Human Services Article; and

[(vi)](VII) Two shall be consumer members.

(3) Not more than three members may be officials or full-time employees of this State or of any of its political subdivisions.

(4) A representative of the Office of Health Care Quality shall serve as an ex officio member.

(b) (1) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

(2) (i) Except for the consumer members and the State Long-Term

Care Ombudsman, the Governor shall appoint each Board member, with the advice of the Secretary.

(ii) The Secretary shall make each recommendation after consulting with the associations and societies appropriate to the disciplines and professions representative of the vacancy to be filled.

(c) Each Board member shall:

(1) Be a United States citizen or have declared an intent to become a United States citizen; and

(2) Have resided in this State for at least 1 year before appointment to the Board.

(d) (1) Each consumer member of the Board:

(i) Shall be a member of the general public;

(ii) May not be or ever have been a nursing home administrator **OR AN ASSISTED LIVING MANAGER** or in training to become a nursing home administrator **OR AN ASSISTED LIVING MANAGER**;

(iii) May not have a household member who is a nursing home administrator **OR AN ASSISTED LIVING MANAGER** or in training to become a nursing home administrator **OR AN ASSISTED LIVING MANAGER**;

(iv) May not participate or ever have participated in a commercial or professional field related to the practice of a nursing home administrator **OR AN ASSISTED LIVING MANAGER**;

(v) May not have a household member who participates in a commercial or professional field related to the practice of a nursing home administrator **OR AN ASSISTED LIVING MANAGER**; and

(vi) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

(2) **OF THE CONSUMER MEMBERS:**

(I) One [consumer member] shall have presently or have had **WITHIN THE 5 YEARS IMMEDIATELY PRECEDING INITIAL APPOINTMENT** a family member living in a nursing home; **AND**

(II) **ONE SHALL HAVE PRESENTLY OR HAVE HAD WITHIN THE 5 YEARS IMMEDIATELY PRECEDING INITIAL APPOINTMENT A FAMILY MEMBER WHO**

1 **RECEIVES SERVICES LIVING IN AN ASSISTED LIVING PROGRAM.**

2 (e) While a member of the Board, a consumer member may not have a substantial
3 financial interest in a person regulated by the Board.

4 (f) Before taking office, each appointee to the Board shall take the oath required
5 by Article I, § 9 of the Maryland Constitution.

6 (g) (1) This subsection does not apply to the State Long-Term Care
7 Ombudsman.

8 (2) The term of a member is 4 years.

9 (3) The terms of members are staggered as required by the terms provided
10 for members of the Board on [July 1, 1981] **OCTOBER 1, 2020.**

11 (4) At the end of a term, a member continues to serve until a successor is
12 appointed and qualifies.

13 (5) A member who is appointed after a term has begun serves only for the
14 rest of the term and until a successor is appointed and qualifies.

15 (6) A member may not serve more than 2 consecutive full terms.

16 (7) To the extent practicable, the Governor shall fill any vacancy on the
17 Board within 60 days of the date of the vacancy.

18 (h) (1) The Governor may remove a member for incompetence, misconduct,
19 incapacity, or neglect of duty.

20 (2) Upon the recommendation of the Secretary, the Governor may remove
21 a member whom the Secretary finds to have been absent from 2 successive Board meetings
22 without adequate reason.

23 9–208.

24 (a) In this section, [“nursing home administrator rehabilitation”
25 **“REHABILITATION committee”** means a committee [that:

26 (1) Is defined in subsection (b) of this section; and

27 (2) Performs any of the functions listed in subsection (d) of this section.

28 (b) For purposes of this section, a nursing home administrator rehabilitation
29 committee is a committee] of the Board or a committee of any association representing
30 nursing home administrators **OR ASSISTED LIVING MANAGERS** that:

(1) Is recognized by the Board; [and]

(2) Includes but is not limited to nursing home administrators **AND ASSISTED LIVING MANAGERS; AND**

(3) PERFORMS ANY OF THE FUNCTIONS LISTED IN SUBSECTION (C) OF THIS SECTION.

[(c)] (B) [A] THE rehabilitation committee [of the Board or recognized by the Board] may function:

(1) Solely for the Board; or

(2) Jointly with a rehabilitation committee representing another board or boards.

[(d)] (C) For purposes of this section, [a nursing home administrator] **THE** rehabilitation committee evaluates and provides assistance to any nursing home administrator **OR ASSISTED LIVING MANAGER**, and any other individual regulated by the Board, in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

[(e)] (D) (1) Except as otherwise provided in this subsection, the proceedings, records, and files of the [nursing home administrator] rehabilitation committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated by the [nursing home administrator] rehabilitation committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the [nursing home administrator] rehabilitation committee and that otherwise would be subject to discovery or introduction into evidence in a civil action.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

[(f)] (E) A person who acts in good faith and within the scope of jurisdiction of [a nursing home administrator] **THE** rehabilitation committee is not civilly liable for any action as a member of the [nursing home administrator] rehabilitation committee or for giving information to, participating in, or contributing to the function of the [nursing home administrator] rehabilitation committee.

9-209.

**THE BOARD IS A MEDICAL REVIEW COMMITTEE UNDER § 1-401 OF THE
HEALTH OCCUPATIONS ARTICLE.**

Subtitle 3. [Licensing] NURSING HOME ADMINISTRATORS.

9-315.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 9-314 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(b) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(c) Over the signature of an officer or the executive director of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.

(d) If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person as for contempt of court.

(e) If after due notice the individual against whom the action is contemplated fails or refuses to appear, [nevertheless] the Board may [hear]:

(1) HEAR and determine the matter; OR

(2) ISSUE A DEFAULT ORDER.

SUBTITLE 3A. ASSISTED LIVING MANAGERS.

9-3A-01.

**(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEGINNING
OCTOBER 1, 2022, AN INDIVIDUAL MUST BE LICENSED BY THE BOARD BEFORE THE
INDIVIDUAL MAY PRACTICE AS AN ASSISTED LIVING MANAGER IN THE STATE.**

**(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF
A LICENSED ASSISTED LIVING MANAGER LEAVES OR IS REMOVED FROM A POSITION
AS AN ASSISTED LIVING MANAGER BY DEATH OR FOR ANY OTHER UNEXPECTED
CAUSE, THE OWNER OF THE ASSISTED LIVING PROGRAM OR OTHER APPROPRIATE
ASSISTED LIVING AUTHORITY SHALL IMMEDIATELY:**

**(I) DESIGNATE A LICENSED ASSISTED LIVING MANAGER TO
SERVE IN THAT CAPACITY; AND**

1 (II) NOTIFY THE BOARD OF THE DESIGNATED LICENSED
2 ASSISTED LIVING MANAGER'S NAME.

3 (2) (I) 1. IN THE EVENT A LICENSED ASSISTED LIVING
4 MANAGER IS NOT AVAILABLE, THE OWNER OR OTHER APPROPRIATE ASSISTED
5 LIVING AUTHORITY SHALL IMMEDIATELY APPOINT A NONLICENSED INDIVIDUAL TO
6 SERVE IN THE CAPACITY OF INTERIM ASSISTED LIVING MANAGER.

7 2. THE APPOINTED NONLICENSED INDIVIDUAL MAY ACT
8 AS THE INTERIM ASSISTED LIVING MANAGER ON FILING AN APPLICATION WITH THE
9 BOARD REQUESTING A PROVISIONAL LICENSE TO PRACTICE AS THE INTERIM
10 ASSISTED LIVING MANAGER FOR A PERIOD NOT TO EXCEED 90 DAYS.

11 (II) 1. THE OWNER OR OTHER APPROPRIATE ASSISTED
12 LIVING AUTHORITY SHALL IMMEDIATELY NOTIFY THE BOARD OF THE
13 APPOINTMENT AND FORWARD THE CREDENTIALS OF THE INDIVIDUAL APPOINTED
14 TO THE BOARD FOR EVALUATION TO ENSURE THAT THE INDIVIDUAL APPOINTED IS
15 EXPERIENCED, TRAINED, AND COMPETENT.

16 2. THE BOARD MAY ISSUE A PROVISIONAL LICENSE TO
17 THE APPLICANT IF THE BOARD DETERMINES, IN ITS DISCRETION, THAT THE
18 APPLICANT IS OF GOOD MORAL CHARACTER AND CAPABLE OF ADEQUATELY
19 ADMINISTERING THE ASSISTED LIVING PROGRAM FOR THE PROVISIONAL PERIOD.

20 3. THE BOARD, IN ITS DISCRETION, MAY ISSUE A
21 PROVISIONAL LICENSE FOR A PERIOD OF LESS THAN 90 DAYS.

22 4. IF THE BOARD DENIES AN APPLICATION SUBMITTED
23 IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS PARAGRAPH:

24 A. THE NONLICENSED INDIVIDUAL SHALL IMMEDIATELY
25 CEASE ACTING AS THE INTERIM ASSISTED LIVING MANAGER; AND

26 B. IF A LICENSED ASSISTED LIVING MANAGER REMAINS
27 UNAVAILABLE, THE OWNER OR OTHER APPROPRIATE ASSISTED LIVING AUTHORITY
28 SHALL IMMEDIATELY APPOINT ANOTHER NONLICENSED INDIVIDUAL TO ACT AS THE
29 INTERIM ASSISTED LIVING MANAGER.

30 5. AN INDIVIDUAL APPOINTED UNDER
31 SUBSUBPARAGRAPH 4 OF THIS SUBPARAGRAPH SHALL FILE AN APPLICATION FOR A
32 PROVISIONAL LICENSE WITH THE BOARD IN ACCORDANCE WITH THIS PARAGRAPH.

1 **(III) THE PROVISIONAL PERIOD BEGINS ON THE DATE THAT THE**
2 **LICENSED ASSISTED LIVING MANAGER LEAVES OR IS REMOVED FROM THE POSITION**
3 **AS AN ASSISTED LIVING MANAGER.**

4 **(IV) THE BOARD, ON REQUEST AND FOR GOOD CAUSE SHOWN,**
5 **MAY EXTEND THE INITIAL PROVISIONAL PERIOD FOR A FURTHER PERIOD OF NOT**
6 **MORE THAN 30 DAYS.**

7 **(3) EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, A**
8 **LICENSED ASSISTED LIVING MANAGER DESIGNATED UNDER PARAGRAPH (1) OF THIS**
9 **SUBSECTION SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
10 **ACCORDANCE WITH § 9-302.1 OF THIS TITLE.**

11 **(4) EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION,**
12 **AN INDIVIDUAL APPOINTED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS**
13 **SUBSECTION SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
14 **ACCORDANCE WITH § 9-302.1 OF THIS TITLE.**

15 **(5) THE BOARD MAY DENY APPROVAL OF AN APPOINTMENT UNDER**
16 **PARAGRAPH (1) OR (2) OF THIS SUBSECTION BASED ON THE RESULTS OF A CRIMINAL**
17 **HISTORY RECORDS CHECK REQUIRED UNDER PARAGRAPH (3) OR (4) OF THIS**
18 **SUBSECTION AFTER CONSIDERATION OF THE FACTORS LISTED IN § 9-3A-05(B)(1)**
19 **OF THIS SUBTITLE.**

20 **(6) PARAGRAPHS (3) AND (4) OF THIS SUBSECTION DO NOT APPLY TO**
21 **AN INDIVIDUAL LICENSED BY A HEALTH OCCUPATIONS BOARD WHO PREVIOUSLY**
22 **HAS COMPLETED A CRIMINAL HISTORY RECORDS CHECK REQUIRED FOR**
23 **LICENSURE.**

24 **9-3A-02.**

25 **(A) TO QUALIFY FOR A LICENSE, AN APPLICANT MUST:**

26 **(1) BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS**
27 **SECTION;**

28 **(2) BE OF GOOD MORAL CHARACTER; AND**

29 **(3) BE AT LEAST 21 YEARS OLD.**

30 **(B) THE APPLICANT MUST HAVE:**

31 **(1) (I) A HIGH SCHOOL DIPLOMA;**

(II) A HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(III) OTHER APPROPRIATE EDUCATION AS DETERMINED BY THE BOARD;

(2) APPROPRIATE EXPERIENCE AS DETERMINED BY THE BOARD;

(3) COMPLETED A MANAGER-IN-TRAINING PROGRAM APPROVED BY THE BOARD;

(4) PASSED:

(I) AN EXAMINATION ON STATE STANDARDS DEVELOPED BY THE BOARD; AND

(II) A NATIONAL EXAMINATION FOR ASSISTED LIVING MANAGERS ADMINISTERED BY THE NATIONAL ASSOCIATION OF BOARDS OF LONG TERM CARE; AND

(5) MET ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE BOARD.

(C) THE BOARD MAY ESTABLISH DIFFERENT APPLICANT REQUIREMENTS FOR ASSISTED LIVING MANAGERS CORRESPONDING TO:

(1) THE DIFFERENT LEVELS OF ASSISTED LIVING DEFINED BY THE DEPARTMENT AS REQUIRED BY § 19-1805(A)(1) OF THE HEALTH – GENERAL ARTICLE; OR

(2) THE NUMBER OF BEDS AN ASSISTED LIVING PROGRAM IS LICENSED TO PROVIDE.

(D) THE BOARD MAY WAIVE THE EXPERIENCE AND TRAINING REQUIREMENTS UNDER THIS SECTION IN ACCORDANCE WITH § 19-1807(D) OF THE HEALTH – GENERAL ARTICLE.

9-3A-03.

TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE BOARD REQUIRES;

1 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD;
2 AND

3 (3) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A
4 STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH
5 § 9-302.1 OF THIS TITLE.

6 9-3A-04.

7 (A) THE BOARD SHALL KEEP A FILE OF EACH APPLICATION FOR A LICENSE
8 MADE UNDER THIS SUBTITLE.

9 (B) THE FILE SHALL CONTAIN:

10 (1) THE NAME, ADDRESS, AND AGE OF THE APPLICANT;

11 (2) THE NAME AND ADDRESS OF THE EMPLOYER OR BUSINESS
12 CONNECTION OF THE APPLICANT;

13 (3) THE DATE OF THE APPLICATION;

14 (4) COMPLETE AND CURRENT INFORMATION ON THE EDUCATIONAL,
15 TRAINING, AND EXPERIENCE QUALIFICATIONS OF THE APPLICANT;

16 (5) THE DATE THE BOARD REVIEWED AND ACTED ON THE
17 APPLICATION;

18 (6) THE ACTION TAKEN BY THE BOARD ON THE APPLICATION;

19 (7) THE IDENTIFYING NUMBERS OF ANY LICENSE OR RENEWAL
20 LICENSE ISSUED TO THE APPLICANT; AND

21 (8) ANY OTHER INFORMATION THAT THE BOARD CONSIDERS
22 NECESSARY.

23 (C) THE APPLICATION FILES SHALL BE OPEN TO PUBLIC INSPECTION.

24 9-3A-05.

25 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL
26 ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS
27 SUBTITLE.

(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 9-302.1 OF THIS TITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

(V) SUBSEQUENT WORK HISTORY;

(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 9-302.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

9-3A-06.

THE APPLICANT MAY APPEAL A DECISION OF THE BOARD THAT RELATES TO ISSUING OR RENEWING A LICENSE AS PROVIDED FOR IN § 9-3A-15 OF THIS SUBTITLE.

9-3A-07.

A LICENSE AUTHORIZES THE LICENSEE TO PRACTICE AS AN ASSISTED LIVING MANAGER WHILE THE LICENSE IS IN EFFECT.

9-3A-08.

(A) A LICENSE EXPIRES ON THE SECOND ANNIVERSARY OF ITS EFFECTIVE DATE, UNLESS THE LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS SECTION.

(B) AT LEAST 1 MONTH BEFORE THE LICENSE EXPIRES, THE BOARD SHALL

1 SEND TO THE LICENSEE, BY ELECTRONIC MEANS OR FIRST-CLASS MAIL TO THE LAST
2 KNOWN ELECTRONIC OR PHYSICAL ADDRESS OF THE LICENSEE, A RENEWAL NOTICE
3 THAT STATES:

4 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

5 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
6 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
7 THE LICENSE EXPIRES; AND

8 (3) THE AMOUNT OF THE RENEWAL FEE.

9 (C) BEFORE THE LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY
10 RENEW IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE LICENSEE:

11 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

12 (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

13 (3) SUBMITS TO THE BOARD:

14 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
15 REQUIRES; AND

16 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY
17 CONTINUING EDUCATION AND OTHER QUALIFICATIONS AND REQUIREMENTS SET
18 UNDER THIS SECTION FOR LICENSE RENEWAL.

19 (D) (1) IN ADDITION TO ANY OTHER QUALIFICATIONS AND
20 REQUIREMENTS ESTABLISHED BY THE BOARD, THE BOARD MAY SET CONTINUING
21 EDUCATION REQUIREMENTS AS A CONDITION TO THE RENEWAL OF LICENSES
22 UNDER THIS SECTION.

23 (2) IF A CONTINUING EDUCATION PROGRAM RELATES TO FEDERAL
24 OR STATE REGULATION, POLICY AND PROCEDURES, OR LAW, THE BOARD, IN ITS
25 SOLE DISCRETION, MAY GRANT A REQUEST FOR ACCREDITATION OF THE PROGRAM.

26 (E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO
27 MEETS THE REQUIREMENTS OF THIS SECTION.

28 (F) (1) THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS
29 CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS TITLE FOR:

(I) LICENSURE RENEWAL APPLICANTS; AND

(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT UNDER § 9-3A-09 OF THIS SUBTITLE AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR OR MORE.

(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 9-302.1 OF THIS TITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

(V) SUBSEQUENT WORK HISTORY;

(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 9-302.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

(4) UNLESS OTHERWISE REQUIRED, A RENEWAL APPLICANT WHO PREVIOUSLY HAS COMPLETED THE CRIMINAL HISTORY RECORDS CHECK AS REQUIRED FOR THE BOARD'S APPLICATION PROCESS DOES NOT HAVE TO SUBMIT TO A SUBSEQUENT CRIMINAL HISTORY RECORDS CHECK FOR LICENSE RENEWAL.

9-3A-09.

(A) THE BOARD SHALL REINSTATE THE LICENSE OF AN ASSISTED LIVING MANAGER WHO HAS FAILED TO RENEW A LICENSE FOR ANY REASON, IF THE LICENSEE:

(1) HAS NOT HAD THE LICENSE SUSPENDED OR REVOKED;

1 (2) **MEETS THE RENEWAL REQUIREMENTS OF § 9-3A-08 OF THIS**
2 **SUBTITLE;**

3 (3) **PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE**
4 **BOARD;**

5 (4) **SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF**
6 **COMPLIANCE WITH THE QUALIFICATIONS AND REQUIREMENTS ESTABLISHED**
7 **UNDER THIS SUBTITLE FOR LICENSE REINSTATEMENTS; AND**

8 (5) **APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE**
9 **WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.**

10 **(B) THE BOARD MAY NOT REINSTATE THE LICENSE OF AN ASSISTED LIVING**
11 **MANAGER WHO FAILS TO APPLY FOR REINSTATEMENT OF THE LICENSE WITHIN 5**
12 **YEARS AFTER THE LICENSE EXPIRES, UNLESS THE ASSISTED LIVING MANAGER**
13 **BECOMES LICENSED BY MEETING THE REQUIREMENTS FOR OBTAINING A NEW**
14 **LICENSE UNDER THIS SUBTITLE IN EFFECT AT THE TIME THE LICENSEE SEEKS TO**
15 **REINSTATE THE LICENSE.**

16 **9-3A-10.**

17 **(A) IF AN INDIVIDUAL HAS BEEN LICENSED BY THE BOARD TO PRACTICE AS**
18 **AN ASSISTED LIVING MANAGER IN THE STATE IN ACCORDANCE WITH THE**
19 **REQUIREMENTS OF THIS SUBTITLE, THE INDIVIDUAL MAY BE LICENSED**
20 **SUBSEQUENTLY AS AN ASSISTED LIVING MANAGER ON INACTIVE STATUS,**
21 **RETAINING THE LICENSEE'S ORIGINAL LICENSE NUMBER.**

22 **(B) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS IF**
23 **THE LICENSEE SUBMITS TO THE BOARD:**

24 **(I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM**
25 **REQUIRED BY THE BOARD; AND**

26 **(II) THE INACTIVE STATUS FEE SET BY THE BOARD.**

27 **(2) A LICENSEE'S INACTIVE STATUS EXPIRES ON THE SECOND**
28 **ANNIVERSARY OF ITS EFFECTIVE DATE, UNLESS THE LICENSEE RENEWS THE**
29 **INACTIVE STATUS FOR A 2-YEAR TERM AS PROVIDED IN THIS SECTION.**

30 **(3) THE BOARD SHALL PROVIDE A LICENSEE WHO HAS COMPLIED**
31 **WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION WITH WRITTEN**
32 **NOTIFICATION OF:**

1 **(I) THE DATE THAT THE LICENSEE'S INACTIVE STATUS**
2 **BECOMES EFFECTIVE;**

3 **(II) THE DATE THAT THE LICENSEE'S 2-YEAR TERM OF**
4 **INACTIVE STATUS EXPIRES; AND**

5 **(III) THE CONSEQUENCES OF:**

6 **1. NOT RENEWING INACTIVE STATUS BEFORE**
7 **EXPIRATION OF THE 2-YEAR TERM OF INACTIVE STATUS; AND**

8 **2. NOT RESUMING ACTIVE STATUS WITHIN THE 5-YEAR**
9 **PERIOD OF INACTIVE STATUS, BEGINNING ON THE FIRST DAY OF INACTIVE STATUS.**

10 **(C) A LICENSEE ON INACTIVE STATUS MAY NOT PRACTICE AS AN ASSISTED**
11 **LIVING MANAGER IN THE STATE.**

12 **(D) THE BOARD SHALL REACTIVATE THE LICENSE OF A LICENSEE WHO IS**
13 **ON INACTIVE STATUS IF THE LICENSEE:**

14 **(1) COMPLETES AN APPLICATION FORM FOR REACTIVATION OF THE**
15 **LICENSE BEFORE EXPIRATION OF THE 2-YEAR TERM OF INACTIVE STATUS ON THE**
16 **FORM REQUIRED BY THE BOARD;**

17 **(2) COMPLIES WITH THE RENEWAL REQUIREMENTS IN EFFECT AT**
18 **THE TIME THE LICENSEE SEEKS TO REACTIVATE THE LICENSE;**

19 **(3) MEETS THE CONTINUING EDUCATION REQUIREMENTS SET BY**
20 **THE BOARD;**

21 **(4) HAS NOT PRACTICED AS AN ASSISTED LIVING MANAGER IN THE**
22 **STATE WHILE ON INACTIVE STATUS;**

23 **(5) PAYS ALL APPROPRIATE FEES SET BY THE BOARD;**

24 **(6) HAS BEEN ON INACTIVE STATUS FOR LESS THAN 5 YEARS; AND**

25 **(7) IS OTHERWISE ENTITLED TO BE LICENSED.**

26 **(E) BEFORE THE BOARD MAY REACTIVATE THE LICENSE OF AN INDIVIDUAL**
27 **WHO HAS BEEN ON INACTIVE STATUS FOR 5 YEARS OR MORE, THE INDIVIDUAL**
28 **SHALL:**

1 (1) SUBMIT A NEW APPLICATION;

2 (2) PAY ALL APPROPRIATE FEES SET BY THE BOARD;

3 (3) COMPLETE A BOARD-APPROVED MANAGER REFRESHER
4 PROGRAM;

5 (4) PASS AN EXAMINATION APPROVED BY THE BOARD; AND

6 (5) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A
7 STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH
8 § 9-302.1 OF THIS TITLE.

9 (F) AN ASSISTED LIVING MANAGER WHOSE INACTIVE STATUS EXPIRES
10 BEFORE THE ASSISTED LIVING MANAGER'S LICENSE IS REACTIVATED SHALL MEET
11 THE REINSTATEMENT REQUIREMENTS OF § 9-3A-09 OF THIS SUBTITLE.

12 9-3A-11.

13 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A
14 LICENSE, A LICENSED ASSISTED LIVING MANAGER MAY NOT SURRENDER THE
15 LICENSE NOR MAY THE LICENSE LAPSE BY OPERATION OF LAW WHILE THE LICENSEE
16 IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE
17 LICENSEE.

18 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
19 ASSISTED LIVING MANAGER UNDER INVESTIGATION OR AGAINST WHOM CHARGES
20 ARE PENDING TO ACCEPT SURRENDER OF THE LICENSE.

21 9-3A-12.

22 (A) THE BOARD SHALL INVESTIGATE AND TAKE APPROPRIATE ACTION AS
23 TO ANY COMPLAINT FILED WITH THE BOARD THAT ALLEGES THAT A LICENSEE HAS
24 FAILED TO MEET ANY STANDARD OF THE BOARD.

25 (B) SUBJECT TO THE HEARING PROVISIONS OF § 9-3A-14 OF THIS
26 SUBTITLE, THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY
27 LICENSEE, PLACE ANY LICENSEE ON PROBATION, SUSPEND OR REVOKE A LICENSE,
28 OR IMPOSE A CIVIL FINE IF THE APPLICANT OR LICENSEE:

29 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
30 OBTAIN A LICENSE FOR THE LICENSEE OR FOR ANOTHER INDIVIDUAL;

1 **(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**

2 **(3) FAILS TO MEET THE STANDARDS OF PRACTICE FOR ASSISTED**
3 **LIVING ADOPTED BY THE BOARD UNDER § 9–205 OF THIS TITLE;**

4 **(4) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO**
5 **A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY**
6 **APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA**
7 **SET ASIDE;**

8 **(5) PROVIDES PROFESSIONAL SERVICES WHILE:**

9 **(i) UNDER THE INFLUENCE OF ALCOHOL; OR**

10 **(ii) USING ANY NARCOTIC OR CONTROLLED DANGEROUS**
11 **SUBSTANCE, AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE, OR OTHER**
12 **DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL**
13 **INDICATION;**

14 **(6) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF**
15 **ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A COURT OF ANY**
16 **STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY**
17 **ACTION UNDER THE BOARD’S DISCIPLINARY STATUTES;**

18 **(7) PRACTICES ASSISTED LIVING MANAGEMENT WITH AN**
19 **UNAUTHORIZED INDIVIDUAL OR SUPERVISES OR AIDS AN UNAUTHORIZED**
20 **INDIVIDUAL IN THE PRACTICE OF ASSISTED LIVING MANAGEMENT;**

21 **(8) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE**
22 **PRACTICE OF ASSISTED LIVING MANAGEMENT;**

23 **(9) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED**
24 **UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF**
25 **THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;**

26 **(10) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;**

27 **(11) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN THE**
28 **LICENSEE’S PRACTICE AS AN ASSISTED LIVING MANAGER;**

29 **(12) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES**
30 **AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL**

SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER
BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

(13) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION
CONDUCTED BY THE BOARD;

(14) FAILS TO OVERSEE, MANAGE, OR ADMINISTER AN ASSISTED
LIVING PROGRAM TO THE EXTENT THAT THE SAFETY, HEALTH, OR LIFE OF ANY
RESIDENT HAS BEEN ENDANGERED;

(15) ENDANGERS OR SANCTIONS THE ENDANGERMENT OF THE
SAFETY, HEALTH, OR LIFE OF ANY RESIDENT;

(16) VIOLATES ANY OF THE PROVISIONS OF LAW OR REGULATIONS
GOVERNING ASSISTED LIVING PROGRAMS IN THE STATE; OR

(17) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN
ACCORDANCE WITH § 9-302.1 OF THIS TITLE.

9-3A-13.

(A) (1) IF, AFTER A HEARING UNDER § 9-3A-14 OF THIS SUBTITLE, THE
BOARD FINDS THAT THERE ARE GROUNDS UNDER § 9-3A-12 OF THIS SUBTITLE TO
REPRIMAND A LICENSEE, PLACE A LICENSEE ON PROBATION, OR SUSPEND OR
REVOKE A LICENSE, THE BOARD MAY IMPOSE A CIVIL FINE:

(I) INSTEAD OF SUSPENDING OR REVOKING THE LICENSE; OR

(II) IN ADDITION TO A REPRIMAND PLACING THE LICENSEE ON
PROBATION OR SUSPENDING OR REVOKING THE LICENSE.

(2) A CIVIL FINE IMPOSED UNDER THIS SUBSECTION MAY NOT
EXCEED:

(I) \$5,000 FOR A FIRST VIOLATION; AND

(II) \$10,000 FOR ANY SUBSEQUENT VIOLATION OF THE SAME
PROVISION.

(B) IF, AFTER DISCIPLINARY PROCEDURES HAVE BEEN BROUGHT AGAINST
A LICENSEE, THE LICENSEE WAIVES THE RIGHT TO A HEARING REQUIRED UNDER
THIS SUBTITLE AND IF THE BOARD FINDS THAT THERE ARE GROUNDS UNDER
§ 9-3A-12 OF THIS SUBTITLE TO REPRIMAND THE LICENSEE, PLACE THE LICENSEE

ON PROBATION, OR SUSPEND OR REVOKE A LICENSE, THE BOARD, IN ADDITION TO REPRIMANDING THE LICENSEE, PLACING THE LICENSEE ON PROBATION, OR SUSPENDING OR REVOKING THE LICENSE, MAY IMPOSE:

(1) A CIVIL FINE NOT EXCEEDING \$5,000 FOR A FIRST VIOLATION;
AND

(2) A CIVIL FINE NOT EXCEEDING \$10,000 FOR ANY SUBSEQUENT VIOLATION OF THE SAME PROVISION.

(C) THE BOARD SHALL PAY ANY CIVIL FINE COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

9-3A-14.

(A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 9-3A-12 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(C) OVER THE SIGNATURE OF AN OFFICER OR THE EXECUTIVE DIRECTOR OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN CONNECTION WITH ANY INVESTIGATION UNDER THIS SUBTITLE AND ANY HEARINGS OR PROCEEDINGS BEFORE IT.

(D) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO TESTIFY OR ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A COURT OF COMPETENT JURISDICTION MAY PUNISH THE PERSON FOR CONTEMPT OF COURT.

(E) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR FOR A HEARING, THE BOARD MAY:

(1) HEAR AND DETERMINE THE MATTER; OR

(2) ISSUE A DEFAULT ORDER.

9-3A-15.

(A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER §

9-3A-12 OF THIS SUBTITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY PETITION FOR JUDICIAL REVIEW AS ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.

(B) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER § 9-3A-12 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY BUT MAY TAKE A DIRECT JUDICIAL APPEAL AS PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT.

(C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL REVIEW.

9-3A-16.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR SURRENDERED UNDER THIS SUBTITLE MAY APPLY FOR REINSTATEMENT IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE REVOCATION ORDER OR SURRENDER.

(B) IF AN INDIVIDUAL APPLIES FOR REINSTATEMENT UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD MAY:

(1) REINSTATE THE LICENSE;

(2) REINSTATE THE LICENSE WITH TERMS AND CONDITIONS THE BOARD DETERMINES ARE APPROPRIATE AND NECESSARY; OR

(3) DENY REINSTATEMENT.

(C) IF THE BOARD DENIES AN APPLICATION FOR REINSTATEMENT, THE BOARD MAY:

(1) SET A DATE BEFORE WHICH THE APPLICANT MAY NOT REAPPLY; OR

(2) PERMANENTLY PROHIBIT REAPPLICATION.

(D) AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR SURRENDERED UNDER THIS SUBTITLE AND WHO SEEKS REINSTATEMENT SHALL MEET THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED FOR THE RENEWAL OF LICENSES AS IF THE INDIVIDUAL WERE LICENSED DURING THE PERIOD OF REVOCATION OR SURRENDER.

1 **9-3A-17.**

2 (A) THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR PRACTICING
3 ASSISTED LIVING MANAGEMENT WITHOUT A LICENSE OR WITH AN UNAUTHORIZED
4 INDIVIDUAL OR FOR SUPERVISING OR AIDING AN UNAUTHORIZED INDIVIDUAL IN
5 THE PRACTICE OF ASSISTED LIVING MANAGEMENT.

6 (B) (1) AN ACTION FOR AIDING AND ABETTING MAY BE MAINTAINED IN
7 THE NAME OF THE STATE OR THE BOARD TO ENJOIN:

8 (I) THE UNAUTHORIZED PRACTICE OF ASSISTED LIVING
9 MANAGEMENT; OR

10 (II) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION
11 UNDER § 9-3A-12 OF THIS SUBTITLE.

12 (2) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

13 (I) THE BOARD, IN ITS OWN NAME;

14 (II) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR

15 (III) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.

16 (3) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE
17 COUNTY WHERE THE DEFENDANT RESIDES OR ENGAGES IN THE ACTS SOUGHT TO BE
18 ENJOINED.

19 (4) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN
20 ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION
21 UNDER THIS SECTION.

22 (5) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT
23 INSTEAD OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF
24 ASSISTED LIVING MANAGEMENT UNDER § 9-401 OF THIS TITLE OR DISCIPLINARY
25 ACTION UNDER § 9-3A-12 OF THIS SUBTITLE.

26 **9-3A-18.**

27 AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR SURRENDERED
28 UNDER THIS SUBTITLE MAY NOT WORK FOR, BE EMPLOYED BY, OR PERFORM
29 SERVICES FOR AN ASSISTED LIVING PROGRAM IN THE STATE UNLESS THE

1 INDIVIDUAL'S LICENSE IS REINSTATED UNDER § 9-3A-16 OF THIS SUBTITLE.

2 9-401.

3 Except as otherwise provided in this title, an individual may not:

4 (1) Practice, attempt to practice, or offer to practice as a nursing home
5 administrator in this State unless licensed by the Board; [or]

6 (2) Supervise, direct, induce, or aid an unlicensed individual to practice as
7 a nursing home administrator;

8 (3) PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS AN
9 ASSISTED LIVING MANAGER IN THIS STATE UNLESS LICENSED BY THE BOARD; OR

10 (4) SUPERVISE, DIRECT, INDUCE, OR AID AN UNLICENSED
11 INDIVIDUAL TO PRACTICE AS AN ASSISTED LIVING MANAGER.

12 9-402.

13 (a) (1) Unless authorized to practice as a nursing home administrator under
14 SUBTITLE 3 OF this title, [a person] AN INDIVIDUAL may not represent to the public by
15 title, by description of services, methods, or procedures, or otherwise, that the [person]
16 INDIVIDUAL is authorized to practice as a nursing home administrator in this State.

17 [(b)] (2) Unless authorized to practice under SUBTITLE 3 OF this title, [a
18 person] AN INDIVIDUAL may not use the title "nursing home administrator", or the
19 abbreviation "N.H.A." or any other designation, title, or abbreviation with the intent to
20 represent that the [person] INDIVIDUAL is authorized to practice as a nursing home
21 administrator.

22 (B) (1) UNLESS AUTHORIZED TO PRACTICE AS AN ASSISTED LIVING
23 MANAGER UNDER SUBTITLE 3A OF THIS TITLE, AN INDIVIDUAL MAY NOT
24 REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR
25 PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE
26 AS AN ASSISTED LIVING MANAGER IN THIS STATE.

27 (2) UNLESS AUTHORIZED TO PRACTICE UNDER SUBTITLE 3A OF THIS
28 TITLE, AN INDIVIDUAL MAY NOT USE THE TITLE "ASSISTED LIVING MANAGER", OR
29 ANY OTHER DESIGNATION, TITLE, OR ABBREVIATION WITH THE INTENT TO
30 REPRESENT THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE AS AN ASSISTED
31 LIVING MANAGER.

32 9-403.

A person may not:

(1) Sell or fraudulently obtain or furnish or aid in selling or fraudulently obtaining or furnishing a license issued under **SUBTITLE 3 OF** this title; [or]

(2) Practice as a nursing home administrator under any license unlawfully or fraudulently obtained or unlawfully issued;

(3) SELL OR FRAUDULENTLY OBTAIN OR FURNISH OR AID IN SELLING OR FRAUDULENTLY OBTAINING OR FURNISHING A LICENSE ISSUED UNDER SUBTITLE 3A OF THIS TITLE; OR

(4) PRACTICE AS AN ASSISTED LIVING MANAGER UNDER ANY LICENSE UNLAWFULLY OR FRAUDULENTLY OBTAINED OR UNLAWFULLY ISSUED.

[9–407.

(a) A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to:

(1) A fine not exceeding \$1,000 for a first offense; and

(2) A fine not exceeding \$5,000 or imprisonment not exceeding 6 months or both for any subsequent violation of the same provision.

(b) The Board shall pay any fine collected under this section into the General Fund of the State.]

9–407.

(A) A PERSON WHO WILLFULLY VIOLATES THIS SUBTITLE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$20,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH; AND

(2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$50,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

(B) A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO THE FOLLOWING CIVIL FINES TO BE ASSESSED BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD:

(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$30,000; AND

1 **(2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$50,000.**

2 9–501.

3 This title may be cited as the “Maryland [Nursing Home] **LONG–TERM CARE**
4 Administrators [Licensing] Act”.

5 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
6 assisted living manager members appointed to the State Board of Long–Term Care
7 Administrators under § 9–202(a)(2)(iii) of the Health Occupations Article, as enacted by
8 Section 2 of this Act, shall expire as follows:

9 (1) two members in 2023; and

10 (2) two members in 2024.

11 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2020.